

Message Text

PAGE 01 STATE 068904

20

ORIGIN IO-13

INFO OCT-01 AF-10 ARA-11 EA-11 EUR-25 NEA-10 RSC-01 ADP-00

ACDA-19 AEC-11 CIAE-00 DODE-00 PM-09 H-02 INR-10 L-03

NASA-04 NSAE-00 NSC-10 OIC-04 PA-03 PRS-01 GAC-01

SCI-06 SS-15 MBFR-03 USIA-12 SAJ-01 /196 R

DRAFTED BY IO/ UNP: JWKIMBALL: BLB

4/12/73, EXT. 28114

APPROVED BY IO - MR. HERZ

ACDA - MR. NEIDLE (DRAFT)

PM/ DCA - MR. MARTIN (DRAFT)

EA/ ACA - MR. ROMBERG (DRAFT)

EUR/ SOV - MR. ROY (DRAFT)

L/ UNA - MR. NELSON (DRAFT)

IO/ UNP - MR. STULL (DRAFT)

----- 059202

R 122355 Z APR 73

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

AMEMBASSY PARIS

AMEMBASSY CANBERRA

AMEMBASSY JAKARTA

AMEMBASSY BELGRADE

INFO AMEMBASSY MOSCOW

AMEMBASSY KHARTOUM

AMEMBASSY NAIROBI

AMEMBASSY CONAKRY

AMEMBASSY PANAMA

AMEMBASSY LIMA

AMEMBASSY LONDON

AMEMBASSY NEW DELHI

AMEMBASSY VIENNA

AMCONSUL HONG KONG

C O N F I D E N T I A L STATE 068904

DISTO

CONFIDENTIAL

PAGE 02 STATE 068904

E. O. 11652: GDS

TAGS: PARM, UNSC, UR

SUBJECT: NON- USE OF FORCE (NUF)

REFS: (A) USUN 1156, 1077, (B) STATE 58368 (NOTAL)

1. AUSTRIAN AMB. INFORMED US APRIL 9 HIS GOVERNMENT HAS DECIDED TO VOTE IN FAVOR OF INSCRIPTION OF SOVIET " NON- USE OF FORCE" (NUF) ITEM AND TO ABSTAIN WHEN RESOLUTION COMES TO A VOTE. IN LIGHT AUSTRIAN DECISION, PROBABILITY AUSTRALIANS AND PERHAPS OTHERS WILL VOTE FOR INSCRIPTION, AND FACT GA RES REFERS TO SC ACTION, DEPT. CONCURS WITH USUN 1077 THERE LITTLE LIKELIHOOD OF DEFEATING INSCRIPTION.

2. WITH SIX OF CURRENT SC MEMBERS ABSTAINING ON NUF RESOLUTION AT 27 TH UNGA, BELIEVE OPTIMUM OUTCOME WOULD BE DEFEAT OF NUF RESOLUTION BY ABSTENTIONS WITH MINIMUM LEVEL OF US LOBBYING. IN ELABORATION OF GUIDANCE STATE 58368, BELIEVE USUN SHOULD WORK DISCREETLY TO THIS END, SPECIFICALLY TO ENCOURAGE OTHERS (PRIMARILY PRC) TO HOLD GA ABSTAINERS (NOTABLY PERU) TO THEIR POSITIONS. (AMONG CURRENT SC MEMBERS AUSTRIA, AUSTRALIA, FRANCE, PERU, UK, US ABSTAINED AND PRC VOTED AGAINST. IF EIGHT VOTE FOR, SIX ABSTAIN, AND PRC VOTES AGAINST OR ABSTAINS, RESOLUTION WOULD BE DEFEATED AND NEGATIVE PRC VOTE WOULD NOT CONSTITUTE VETO.)

3. IN ADDITION, MISSION SHOULD USE ROUTINE CONTACTS TO REITERATE US POSITION TO OTHER NON- PERMS, PARTICULARLY AUSTRALIA, INDONESIA, AND YUGOSLAVIA. DEPT. PARTICULARLY INTERESTED IN GIVING YUGOSLAV AMB. MOJSOV CLEAR AND STRONG STATEMENT OF SUBSTANCE US POSITION, BASED ON AMB. PHILLIPS SPEECH TO 27 TH GA (POINTS SUMMARIZED PARA 4 BELOW).

4. ADDRESSEE POSTS, INCLUDING INFO ADDRESSEES WHERE APPROPRIATE, MAY DRAW ON FOLLOWING POINTS IN ANY DISCUSSIONS OF NUF ITEM, BEARING IN MIND THAT WE DO NOT WISH GIVE IMPRESSION OF CAMPAIGNING AND THAT IN CERTAIN CASES IT PROBABLY USELESS TO GO BEYOND RESPONDING TO INQUIRIES ABOUT OUR POSITION:

(A) UN CHARTER REMAINS BASIC GUIDELINE FOR INTERNATIONAL
CONFIDENTIAL

PAGE 03 STATE 068904

CONDUCT AND ARTICLE 2, PARAGRAPH 4 OF CHARTER EXPRESSLY PROVIDES THAT " ALL MEMBERS SHALL REFRAIN IN THEIR INTERNATIONAL RELATIONS FROM THE THREAT OR USE OF FORCE AGAINST THE TERRITORIAL INTEGRITY OR POLITICAL INDEPENDENCE OF ANY STATE, OR IN ANY OTHER MANNER INCONSISTENT WITH THE PURPOSES OF THE UNITED NATIONS";

(B) CHARTER PROVISIONS DRAW IMPORTANT DISTINCTION BETWEEN LEGITIMATE AND UNLAWFUL USES OF FORCE (E. G. INDIVIDUAL AND COLLECTIVE SELF- DEFENSE IN CONTRAST TO AGGRESSION),

DISTINCTION WHICH MUST BE PRESERVED;

(C) ATTEMPTS TO RESTATE THESE PRINCIPLES EITHER AS GA OR SC RESOLUTION USUALLY RESULT IN OBFUSCATING OR DETRACTING FROM UN CHARTER AND ADDING NEW DEFINITIONS WHICH NOT GENERALLY ACCEPTABLE OR IMPRACTICAL;

(D) PROHIBITION ON USE OF NUCLEAR WEAPONS DRAWS UNACCEPTABLE AND IMPRACTICAL DISTINCTION BETWEEN TYPES OF WEAPONS; ALL WEAPONS AND ALL USES OF FORCE SHOULD BE GOVERNED BY PROVISIONS OF UN CHARTER AND WEAPONS ISSUES DEALT WITH THROUGH SPECIFIC AND REALISTIC BILATERAL OR MULTILATERAL ARMS CONTROL NEGOTIATIONS, E. G. SALT;

(E) SECURITY COUNCIL HAS POWER UNDER RELEVANT PROVISIONS OF UN CHARTER TO ACT ON SPECIFIC SITUATIONS INVOLVING THREATS TO OR BREACHES OF THE PEACE. IT DOES NOT HAVE POWER TO ESTABLISH GENERAL RULES OF CONDUCT, ESPECIALLY THOSE PURPORTEDLY BINDING ON ALL UN MEMBERS, MUCH LESS TO PURPORT TO REVISE CHARTER TREATY OBLIGATIONS FOR ALL UN MEMBERS;

(F) IN LIGHT SELF-SERVING NATURE OF SOVIET INITIATIVE AND SERIOUS POLITICAL AND CONSTITUTIONAL ISSUES WHICH NUF ITEM CREATES, WE HOPE HOST GOVERNMENT WILL AT LEAST ABSTAIN ON ANY RESOLUTION BEFORE SC ENDORSING OR IMPLEMENTING GA

DECLARATION.

5. AS FURTHER BACKGROUND FOR FIELD POSTS: AT 27 TH UNGA SOVIET UNION (GROMYKO) PROPOSED GA DECIDE TO (A) RENOUNCE USE OR THREAT OF FORCE IN INTERNATIONAL RELATIONS AND CONFIDENTIAL

PAGE 04 STATE 068904

APPROVE PERMANENT PROHIBITION OF USE OF NUCLEAR WEAPONS AND (B) RECOMMEND SC TAKE APPROPRIATE DECISION WHEREBY SUCH DECLARATION WOULD ACQUIRE BINDING FORCE UNDER ARTICLE 25 OF UN CHARTER (WHEREIN MEMBERS AGREE ACCEPT AND CARRY OUT DECISIONS OF UNSC IN ACCORDANCE WITH CHARTER).

6. DURING GA DEBATE SOVIET PROPOSAL MODIFIED BY NON-ALIGNED SO THAT PREAMBLE INCLUDED LANGUAGE ON (A) INADMISSIBILITY OF ACQUISITION OF TERRITORY BY FORCE; (B) RECOGNITION OF LEGITIMACY OF STRUGGLE BY COLONIAL PEOPLE THROUGH ALL APPROPRIATE MEANS; (C) RECALLING 1961 GA RESOLUTION (US VOTED AGAINST) DECLARING USE OF NUCLEAR WEAPONS CONSTITUTES VIOLATION OF UN CHARTER. NON-ALIGNED CHANGED SECOND OPERATIVE PARAGRAPH RECOMMENDING SC ACTION TO SPEAK OF SC ADOPTING " APPROPRIATE MEASURES FOR FULL IMPLEMENTATION". THIS RESOLUTION ADOPTED NOVEMBER 29 BY VOTE OF 73-4 WITH 46 ABSTENTIONS (US).

7. SOVIET INITIATIVE SEEMED DIRECTED MAINLY AT PRC TO ENHANCE SOVIET POSITION ON DISARMAMENT AMONG NON- ALIGNED AT EXPENSE PRC, AND TO SERVE OTHER SOVIET INTERESTS WITH RESPECT TO EUROPE, UNGA, AND FUTURE DISARMAMENT NEGOTIATIONS.

8. PRC SEES SOVIET PROPOSAL ON NON- USE FORCE AS INSINCERE AND AS DESIGNED TO EMBARRASS PRC. PEKING HAS CONTINUED TO CALL ON SOVS (AND US) TO PLEDGE NON FIRST USE OF NUCLEAR WEAPONS AS FIRST STEP TOWARD MEANINGFUL ARMS CONTROL.

9. AS FOLLOW- UP TO GA RESOLUTION SOVIETS HAVE NOW INITIATED INFORMAL CONSULTATIONS IN NEW YORK LOOKING TOWARD INSCRIPTION OF NUF ON SC AGENDA AND ADOPTION OF RESOLUTION. SOVIETS APPARENTLY THINKING OF RESOLUTION WHICH WOULD TAKE ACCOUNT OF GA DECLARATION AND " DECIDE" THAT ALL STATES SHOULD COMPLY WITH DECLARATION " IN THE RENUNCIATION OF THE USE OR THREAT OF FORCE IN ALL ITS FORMS AND MANIFESTATIONS, IN ACCORDANCE WITH THE CHARTER OF THE UN AND THE PERMANENT PROHIBITION OF USE OF NUCLEAR WEAPONS".

10. US REMAINS OPPOSED TO CONCEPT OF GA OR SC DECLARATION
CONFIDENTIAL

PAGE 05 STATE 068904

ON NUF. US PLANS ABSTAIN ON INSCRIPTION ON SC AGENDA AND

ON RESOLUTION FORMULATED ALONG SOVIET LINES. IN GENERAL, US SEEKS TO AVOID ACTIVE ROLE IN UN WHICH WOULD PLACE US IN USSR- PRC CROSSFIRE ON NUF ITEM. ROGERS

CONFIDENTIAL

<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 07 MAY 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 12 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE068904
Document Source: ADS
Document Unique ID: 00
Drafter: IO/ UNP: JWKIMBALL: BLB
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730460/abqceigy.tel
Line Count: 200
Locator: TEXT ON-LINE
Office: ORIGIN IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: (A) USUN 1156, 1077, (B) STATE 58368 (NOTAL)
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 03 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03-Aug-2001 by worrelsw>; APPROVED <24-Aug-2001 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 980116
Subject: NON- USE OF FORCE (NUF)
TAGS: PARM, UR, UNSC
To: USUN N Y
PARIS
CANBERRA
JAKARTA
BELGRADE INFO MOSCOW
KHARTOUM
NAIROBI

CONAKRY
PANAMA
LIMA
LONDON
NEW DELHI
VIENNA
HONG KONG

Type: TE

Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005